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January 30, 2024

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square New York, NY 10007

Re: **Cedeno Jimenez v. CVS Pharmacy et al**
Docket No. : 1:23-cv-05039-VEC
D/Loss : July 6, 2022
Our File No. : 23000-269

Dear Judge Caproni:

Our office represents the Defendant, CVS ALBANY, LLC i/s/h/a CVS PHARMACY and s/h/a CVS ALBANY, LLC (hereinafter referred to as "CVS") in the above-referenced matter. Please allow this correspondence to serve as a brief status update and request for an extension of the fact discovery and expert discovery deadlines set forth in the Court's Order dated November 9, 2023 (Doc No. 21).

As you may recall, this action arises out of an alleged trip and fall accident that occurred on July 6, 2022. The Plaintiff, Victoria Cedeno Jimenez, alleges to have sustained personal injuries when she tripped and fell over a pallet of bath tissue at the CVS Pharmacy located at 1688 Westchester Avenue, Bronx, New York.

To date, the parties have exchanged paper discovery, obtained relevant medical records and completed the examinations before trial of both Plaintiff and CVS. The independent medical examination of Plaintiff and responses to Plaintiff's Post-Deposition discovery demands remain outstanding.

During the deposition of the CVS by Frances Hernandez, a pharmacy technician who responded to the scene of Plaintiff's accident, it became clear to the parties that Ivon Hernandez, another CVS employee, possessed information material to the case. Specifically, the parties believe that Ms. Hernandez's testimony will establish the policies and procedures regarding maintenance, inspections and placement of products that were in effect within the retail portion of the store at the time of Plaintiff's accident. Ms. Hernandez's anticipated testimony is essential to the defense of this matter and the office of the undersigned is working to produce Ms. Hernandez for an examination before trial at a mutually agreed upon time.

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On January 12, 2024, Plaintiff's counsel served the undersigned with a discovery letter seeking information discussed during the examination before trial of CVS, including records of inspections, copies of store standards and quality surveys made at the subject store prior to July 6, 2022. As with the anticipated deposition of Ms. Hernandez, the information requested by Plaintiff's counsel are essential to the defense of this matter. The office of the undersigned is working to obtain information necessary to respond to Plaintiff's demands.

In light of the above, CVS respectfully requests that the fact discovery deadline be extended from February 6, 2024 to March 22, 2024 in order to give the parties adequate time to exchange the above-referenced discovery and complete the examination before trial of CVS by Ivon Hernandez.

Additionally, CVS respectfully requests that the expert discovery deadline be extended from March 22, 2024 to May 10, 2024 with the next pre-trial conference to be scheduled at the Court's convenience.

This is the parties' second request for an extension of fact discovery. I have conferred with opposing counsel and this letter is being submitted with the consent of all parties to this action.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'John Cosgrove'.

JOHN G. COSGROVE

JGC:

CC: **VIA ECF**

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Application GRANTED. The fact discovery deadline is hereby extended from February 6, 2024, to **March 22, 2024**. The expert discovery deadline is extended from March 22, 2024, to **May 6, 2024**. The post-discovery status conference is hereby ADJOURNED from Friday, February 9, 2024, at 10:00 A.M. to **Friday, March 22, 2024, at 10:00 A.M.** The parties' pre-conference submission as set forth at Dkt. 15 is due not later than **Thursday, March 14, 2024**. The Court is **unlikely** to grant any further extension requests.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Valerie Caproni'.

01/30/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE